

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

SEP 26 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARL HERMAN HAKEN

Application No. 09/519,242

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 20, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On November 10, 2004, appellant filed a Reply Brief. On March 22, 2005, the examiner responded to appellant's Reply Brief with a Supplemental Examiner's Answer, which is permitted under 37 CFR § 41.43. However, the examiner must follow the guidelines set forth in the training material entitled "Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule," located at the following URL:

www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html

The requirement for a Supplemental Examiner's Answer is Approval by a Technology Center Director or designee.

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To correct this problem, the examiner will need to vacate the Supplemental Examiner's Answer mailed on March 22, 2005, and file a new Supplemental Examiner's Answer with the Technology Center Director's approval.

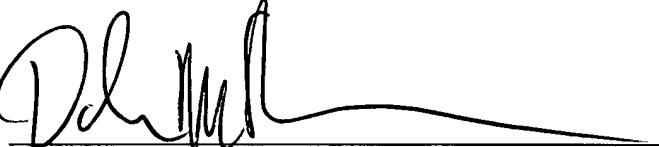
Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) vacate the Supplemental Examiner's Answer mailed on March 22, 2005;
- (2) file a new Supplemental Examiner's Answer with the Technology Center Director's approval; and
- (3) for such further action as may be appropriate.

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By:


DALE M. SHAW

Program and Resource Administrator
(571) 272-9797

cc: Carl Haken
5 Old Neversink Road
Danbury, CT 06811

DMS/clm/lc